

COUNTY OF LOS ANGELES

**SHERIFF'S DEPARTMENT***A Tradition of Service*

DATE: March 27, 2009

OFFICE CORRESPONDENCE

FILE NO. FO2217654

FROM: ERIC B. SMITH, COMMANDER  
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN  
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:  
DEPUTY ROBERT MARTINEZ # [REDACTED]  
DEPUTY JUAN RODRIGUEZ # [REDACTED]  
CENTURY STATION

On March 30, 2008, about 1310 hours, at the end of a foot pursuit, Suspect Lawrence McKinnie fought with Deputies Juan Rodriguez and Robert Martinez. The deputies used control techniques, personal weapons, and Oleoresin Capsicum spray while handcuffing the suspect. Suspect McKinnie sustained a fractured right orbital.

Deputies Juan Rodriguez and Robert Martinez ran the license plate of a car. The car returned with felony wants from the state of Washington. As they were planning to initiate a traffic stop, the car collided with a parked car. The driver, Suspect McKinnie, exited the car and fled. Deputies Rodriguez and Martinez initiated a foot pursuit of the suspect.

MPP § 3-01/025.00, Use of Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Juan Rodriguez # [REDACTED] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

A handwritten signature in cursive script, appearing to read "Eric B. Smith", is written over a horizontal line.

Eric B. Smith, Commander

EBS:YLW:ylw

# **TABLE OF CONTENTS**

## **Investigator's Log**

## **Supervisor's Report on Use of Force**

## **IAB Investigative Narrative**

## **Interviews**

### **Involved Employees**

Juan P. Rodriguez ..... Deputy Sheriff, # [REDACTED] Century Station  
Robert Martinez ..... Deputy Sheriff, # [REDACTED] Century Station

### **Witnesses**

Windy Ziegler ..... Physician, UCLA Harbor General Hospital

### **Suspect**

Lawrence McKinnie ..... Bkg# 1240371

## **Exhibits**

- A. LASD Complaint Report, URN 508-06913-2176-145
- B. LASD Supplemental Report, URN 508-06913-2176-145
- C. JDIC Printout of SVS information
- D. DVD containing recording of radio traffic, photographs of scene and suspect injuries
- E. Authorization to Release Medical Records Form

# Los Angeles County Sheriff's Department

## Supervisor's Report on Use of Force

Page 1 of 3

### Incident Information

URN: 508 - 06913 - 2176 - 145		Date: 3/30/08	Time: 1310 Hrs.
Location:	[REDACTED] W. 106th Street		City or Station: Los Angeles
Bureau/Station/Facility:	Century Station	Admin. Investigation: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
Type of Force:	Personal Weapons		
Deputy Injury: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Suspect Injury YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		
<input type="checkbox"/> Call	<input checked="" type="checkbox"/> Observation	<input type="checkbox"/> Detail	<input checked="" type="checkbox"/> Foot Pursuit <input type="checkbox"/> Vehicle Pursuit
IAB Notified: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Person Notified: Lt. Clay Porlier	Emp: [REDACTED]	IAB Roll Out: YES

# Supervisor's Report on Use of Force SUSPECT INFORMATION

5 0 8 - 0 6 9 1 3 - 2 1 7 6 - 1 4 5

Page 2 of 3

**S** 1

Suspect Information											
Last Name		McKinney		First Name		Lawrence		Middle Name		Nathaniel	
AKA Last Name		none		First Name				Middle Name			
Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		Race: B		Street Address:		City:		State & Zip Code:			
Work Phone:		Home Phone:		Age: 28		Height: 6'00"					

# Supervisor's Report on Use of Force

508 - 06913 - 2176 - 145

Page 3 of 3

## Method

(AW) Arwen	(FH) Firearm (Handgun)	(PO) Personal Weapon (Other)
(BC) Baton: (Control)	(FR) Firearm (Rifle)	(RS) Resistance
(BI) Baton: (Impact)	(FS) Firearm (Shotgun)	(CN) Restraint Device (Capture Net)
(BF) Bodily Fluids	(FO) Firearm (Other)	(RH) Restraint Device (Handcuffs)
(CN) Canine	(FB) Flashbang	(HB) Restraint Device: Hobble (Legs Only)
(CR) Carotid Restraint	(FL) Flashlight	(TP) Restraint Device: Hobble (TARP)
(CH) Choke Hold	(OE) Other Weapon: Edged	(RE) Restraint Device: REACT Belt
(CT) Control Holds: (Control Techniques)	(OV) Other Weapon: Vehicle	(SP) Sap
(TT) Control Holds: (Team Takedown)	(OB) Other Weapon: Blunt Object	(SH) Shield
(TD) Control Holds: (Takedown)	(OO) Other Weapon: Other	(SG) 37mm Stinger
(CE) Chemical	(PK) Personal Weapon: Feet/Leg: (Kick)	(SB) Sting Ball
(OC) Chemical Agents		

## INVESTIGATIVE SUMMARY

### SYNOPSIS OF INCIDENT

On March 30, 2008, at 1310 hours, Deputies Robert Martinez and Juan Rodriguez were driving southbound on Central Avenue at 92<sup>nd</sup> Street. Utilizing their Mobil Digital Terminal (MDT) they queried the license plate of a black Lincoln MKZ, (Washington State license, [REDACTED]). The vehicle returned "felony vehicle, hold for prints" (refer to Exhibit "C" JDIC printout and Exhibit "D" radio traffic). Due to a short lapse in time between their initial observation of the Lincoln MKZ and the return of their MDT query, the deputies lost sight of the vehicle.

Minutes later, the deputies found the Lincoln MKZ traveling southbound on Clovis Ave. at 108<sup>th</sup> Street. There was one male black adult occupant in the vehicle (later identified as John Doe). The deputies followed the Lincoln MKZ westbound onto 108<sup>th</sup> street then onto northbound Wadsworth Ave. As the vehicle turned westbound onto 106<sup>th</sup> Street from Wadsworth Ave, it collided with a 1996 Chevy Astro Van, CA License # [REDACTED]. The van was parked in front of [REDACTED].

**IAB Note:** Suspect Doe was subsequently identified as Mr. Lawrence N. McKinnie, DOB 08-26-1979. Suspect Doe will be referred to as Suspect McKinnie throughout the remainder of this investigation.

Attempts to obtain the LAPD traffic accident report were unsuccessful. LAPD personnel assigned to the records stated they had no record of

## INTERVIEWS

### **Deputy Robert Martinez, # [REDACTED]**

Deputy Martinez was interviewed by Sergeant Scott Hill and Sergeant Owen Tong on October 15, 2008, at 1500 hours. The interview was digitally audio recorded. Refer to the attached verbatim copy of the interview for further information.

After Suspect McKinnie reached the end of the driveway he took a combative stance. Fearing Suspect McKinnie was about to attack him, Deputy Rodriguez (sic) struck Suspect McKinnie in the face with his fist. Suspect McKinnie fell to the ground. While on the ground Suspect McKinnie tucked his hands under his chest. Suspect McKinnie ignored Deputy Martinez' repeated orders to place his hands behind his back.

Aided by Deputy Rodriguez, Deputy Martinez was able to free and handcuff Suspect McKinnie's right hand. Deputy Martinez was unable to gain control of Suspect McKinnie's left hand. As Suspect McKinnie struggled, he began to move his left hand toward his (McKinnie's) waistband area. Deputy Martinez deployed a two second burst of his Oleoresin Capsicum (OC) spray to Suspect McKinnie's face. The OC spray had no effect on Suspect McKinnie. Fearing Suspect McKinnie might retrieve a weapon from his waistband, Deputy Martinez struck Suspect McKinnie two times in the facial area with his right knee. Deputy Martinez described the knee strike as being a "sideways strike" not a "straight down" strike.

After the strikes to his facial area, coupled with Deputy Martinez' orders to place his left hand behind his back, Suspect McKinnie complied and placed his left hand behind his back. Deputy Martinez was able to handcuff Suspect McKinnie without further incident.

**IAB Note:** At the time of this incident Deputy Rodriguez had been assigned to Century Station for seven months. He had never worked with Deputy Martinez before. Deputy Rodriguez stated it was possible that he and Deputy Martinez discussed officer safety issues, e.g. foot pursuits, vehicle pursuits, use of force, prior to this incident, however he did not recall having any such discussions with Deputy Martinez.

Deputy Rodriguez stated Suspect McKinnie ran from his vehicle and entered the driveway at [REDACTED] 106<sup>th</sup> Street. As Suspect McKinnie ran down the driveway toward the backyard, Deputy Rodriguez stated he never lost sight of Suspect McKinnie. "Once we approached the backyard wall of the residence, directly north of the front of the house, the suspect immediately turned around and faced me. I observed swelling to the left side of the suspect's face."

**IAB Note:** An examination of the photograph of the deployed air bag does not reveal any blood stains.

Deputy Rodriguez described his use of force with Suspect McKinnie,

The suspect had both hands above his waist, with both fists clinched and had his knees bent with his left leg in front

**IAB Note:** After Deputy Martinez entered the license plate into the MDT, SCC voiced the following over the dispatch frequency, "216A, status re: the 10-29F vehicle return? 216A (refer to exhibit "D" radio traffic)."

During Deputy Rodriguez' IAB interview he stated he thought SCC returned the vehicle as a 10-29FD vehicle, when in fact SCC returned it as a 10-29F. Deputy Rodriguez was adamant about this fact that SCC returned the vehicle as 10-29FD.

The LASD radio code book indicates the following definitions,

- 10-29F.....Subject is Wanted for a Felony. Use caution, advise when subject in custody and ready for information.
- 10-29FD .....Subject is Wanted for a Felony, Considered Armed and Dangerous. Use extreme caution, advise when subject in custody and ready for information.

Deputy Rodriguez stated he didn't deploy his OC because "if I would have sprayed him, I would have contaminated myself and my partner."

After running down the driveway, Suspect McKinnie stated one of the deputies ordered him to the ground, he complied and laid down. Suspect McKinnie stated he was immediately handcuffed. "I got down on my face... he put his knee on my back and started beating me, kneeling me, [on] my back [on] my face. Beating my head against the concrete and everything." Suspect McKinnie stated he was unable to identify which deputy did what. He stated he was kneed "at least four or five times." He stated the deputy also struck him with his fists. According to Suspect McKinnie, the deputy didn't use any type of blunt weapon, like a flashlight or baton during the fight. After beating him, Suspect McKinnie stated the deputy "pepper sprayed" him.

Suspect McKinnie stated the other deputy stated, "If he moves, we're just gonna shoot him."

After the altercation, Suspect McKinnie stated "They picked me up, took me to the police car in the front, [and] put me in the car."

### **Wendy Ziegler, M.D.**

Dr. Ziegler was interviewed by Sergeant Scott Hill on April 1, 2008 at 1830 hours. The interview took place at UCLA, Harbor General Hospital (UCLA HGH). The interview was digitally